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AUSTIN, TX 78767				
			ART UNIT	PAPER NUMBER
			2452	
			NOTIFICATION DATE	DELIVERY MODE
			11/03/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

09/896,244

**Applicant(s)**

DUVVURU, SREERAM

**Examiner**

DOHM CHANKONG

**Art Unit**

2452

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This final rejection is in response to Applicant's arguments which were filed on 9/2/2009. No claims are amended. Claims 1-27 are presented for further examination.

#### ***Response to Arguments***

Applicant argues that *Crosbie* does not teach including "information indicating a current user role" in user requests. Applicant argues that *Crosbie* teaches a service request that includes information identifying a user, but not the user's current role. Applicant's argument has been carefully considered but is not persuasive because the limitation does not require including the current user role in user requests.

The limitation recites a "request [that] includes information *indicating* a current user role." This language is not the same as a "request that includes a current user role" which is what Applicant argues that *Crosbie* must teach. However, in the examiner's view, as long as the request includes information that is somehow utilized to retrieve a related current user role, then that information clearly would indicate the current user role. *Crosbie* discloses this interpretation of Applicant's claims.

Specifically, *Crosbie* discloses a user request that includes user identifier and a device identifier [Fig. 6 «item 204»]. This information is used to locate the particular privileges and user role [Fig. 6 «item 206» | 0044]. Thus, because the user identifier and the device identifier and used to find a user's role from the gateway, they "indicate" the current user role. In *Crosbie*'s system, without the identifiers in the service request, the current user role could not be found.

Based on the foregoing discussion, Applicant's argument is not persuasive. The rejection set forth in the previous action is therefore maintained. The examiner suggests amending the claim to recite a request that includes a current user role which would define over the *Crosbie* reference.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- I. CLAIMS 1, 2, 4, 5, 7, 9, 10, 11, 13, 14, 16, 18-20, 22, 23, 25, AND 27 ARE REJECTED UNDER 35 U.S.C. §103(A) AS BEING UNPATENTABLE OVER *PATEL ET AL*, U.S. PATENT NO. 6.865.185 [*"PATEL"*], IN VIEW OF *CROSBIE*, U.S. PATENT PUBLICATION NO. 2002|0035699.**

#### **Claims 1, 10, and 19**

As to claim 1, *Patel* as modified by *Crosbie* discloses a computer-implemented method for providing differentiated quality of service in an application server, comprising:

a server system receiving a request [Figure 1 | column 12 «lines 6-10»], wherein said request includes information indicating a current user role [*Crosbie*, 0043-0045: utilizing user ID to identify users that belong to different clusters (history or engineering students)]; and

in response to receiving the request:

accessing pre-determined policy data [column 3 «line 62» to column 4 «line 2» | column 7 «lines 20-26» : inserting labels that indicate FEC where the FEC identifies

QoS/policy parameters | column 13 «lines 46-61» : policy base maintaining QoS policies subscribed to by the end user];

establishing a quality of service context based on said information included in said request and said policy data [column 7 «lines 60-65» | column 12 «lines 6-11» : inserting labels that identify QoS into the packet based on the user identifier | *Crosbie*, 0045: specifying a bandwidth allocation on the WLAN depending on the user's role as either a history or engineering student]; and

propagating said quality of service context with said request in the server system, wherein said propagating comprises sending data indicating the quality of service context with the request [column 3 «line 62» to column 4 «line 2»].

As noted above, *Patel* does not disclose receiving a request that includes information indicating at least one of a current user role. However, including such information in user requests within a QoS system was well known in the art at the time of Applicant's invention as evidenced by *Crosbie*. Like *Patel*, *Crosbie* is directed to a providing certain QoS levels over an end-to-end connection [0016: "user service level"]. However, *Crosbie* further discloses including within a service request information indicating a current user role.

It would have been obvious to one of ordinary skill in the art to have modified *Patel's* service requests to include information indicating a current user role as taught by *Crosbie*. Such a modification is an example of using a known technique (including a current user role in service requests) to improve similar systems (both *Patel* and *Crosbie* are directed to QoS systems) in the same way (*Crosbie* teaches that including a user's role in his service request allows the system to distinguish users based on their specific roles, 0014, 0043). See *MPEP* §2143.

As to claims 10 and 19, they are merely directed to a computer-readable storage medium and system directed to performing the steps of the method of claim 1. Therefore claims 10 and 19 are rejected for at least the same reasons set forth for claim 1.

**Claims 2, 11, and 20**

As to claim 2, *Patel* as modified by *Crosbie* discloses said information further indicates at least one of a user identity [Figure 1 | column 12 «lines 6-10» : each packet containing a flow identifier that indicates a user identity], a requested service, or a time constraint. As to claims 11 and 20, they are merely directed to a computer-readable storage medium and system directed to performing the steps of the method of claim 2. Therefore claims 11 and 20 are rejected for at least the same reasons set forth for claim 2.

**Claims 4, 13, and 22**

As to claim 4, *Patel* as modified by *Crosbie* discloses said establishing a quality of service context is completed at an ingress point [column 6 «lines 39-42»]. As to claims 13 and 22, they are merely directed to a computer-readable storage medium and system directed to performing the steps of the method of claim 4. Therefore claims 13 and 22 are rejected for at least the same reasons set forth for claim 4.

**Claims 5, 14, and 23**

As to claim 5, *Patel* as modified by *Crosbie* discloses said ingress point is at least one of a web server or a protocol manager service within said server system [column 6 «lines 42-44»]. As to claims 14 and 23, they are merely directed to a computer-readable storage medium and system directed to performing the steps of the method of claim 5. Therefore claims 14 and 23 are rejected for at least the same reasons set forth for claim 5.

**Claims 7, 16, and 25**

As to claim 7, *Patel* as modified by *Crosbie* discloses propagating includes inserting said quality of service context adjacent to at least one of a security and transaction context [Figure 3 «item 60» : inserting the labels in the header of the packet adjacent to transaction contexts]. As to claims 16 and 25, they are merely directed to a computer-readable storage medium and system directed to performing the steps of the method of claim 7. Therefore claims 16 and 25 are rejected for at least the same reasons set forth for claim 7.

**Claims 9, 18, and 27**

As to claim 9, *Patel* as modified by *Crosbie* discloses a request manager service dispatching said request including said quality of service context to a software component in a plurality of software components based on said quality of service context [Figure 3 «items 32, 36» : the flow manager dispatching packets to various virtual groups based on the QoS context]. As to claims 18 and 27, they are merely directed to a computer-readable storage medium and system directed to performing the steps of the method of claim 9. Therefore claims 18 and 27 are rejected for at least the same reasons set forth for claim 9.

**II. CLAIMS 3, 12, AND 21 ARE REJECTED UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER *PATEL* AND *CROSBIE*, IN FURTHER VIEW OF *AYYAGARI ET AL.*, U.S. PATENT PUBLICATION NO. 2001|0024434 [“*AYYAGARI*”].**

As to claims 3, 12, and 21, *Patel* as modified by *Crosbie* and *Ayyagari* discloses said quality of service context includes information indicating a service class [column 8 «lines 26-28»] and a deadline [*Ayyagari*, 0006: execution of a desired task in a specified time period | 0048: time constraint].

It would have been obvious to one of ordinary skill in the art to have modified *Patel* to

include the deadline feature taught by *Ayyagari*. Such a modification is an example of using a known technique (including information indicating a deadline for executing a task) to improve similar systems (both *Patel* and *Ayyagari* are directed to QoS systems) in the same way (*Ayyagari* discloses that deadlines in requests are necessary to indicate a “specified time period” for the execution of a desired task). *See MPEP §2143*.

**III. CLAIMS 6, 15, AND 24 ARE REJECTED UNDER 35 U.S.C. §103(A) AS BEING UNPATENTABLE OVER *PATEL* AND *CROSBIE*, IN VIEW OF *ZARA ET AL*, U.S. PATENT NO. 7,206,848 [“*ZARA*”].**

As to claim 6, *Patel* as modified by *Crosbie* does not expressly disclose propagating the same quality of service context with a subsequent request. However, such a feature was well known in the art at the time of Applicant’s invention. For example, *Zara* discloses attaching the same quality of service context (“tag”) with a subsequent request related to the first request [column 7 «lines 58-61»]. It would have been obvious to one of ordinary skill in the art to have modified *Patel* to include *Zara*'s teachings. One would have been motivated to include the same tag in subsequent requests to insure that the requests involved in the same session or transaction receive the QoS. As to claims 15 and 24, they are merely directed to a system that performs the steps of the method of claim 6. Therefore claims 15 and 24 are rejected for at least the same reasons set forth for claim 6.

**IV. CLAIMS 8, 17, AND 26 ARE REJECTED UNDER 35 U.S.C. §103(A) AS BEING UNPATENTABLE OVER *PATEL* AND *CROSBIE*, IN VIEW OF *VANGE*, U.S. PATENT PUBLICATION No. 20020059170.**

As to claim 8, while *Patel* discloses dispatching requests including a quality of service context, *Patel* does not expressly disclose a load balancing service that dispatches the requests to an application server. However, such a feature was well known in the art at the time of



Applicant's invention. For example, *Vange* discloses the claimed feature. Like *Patel*, *Vange* discloses a system whereby a gateway provides clients access to the Internet [*Patel*, Figure 1 & *Vange*, Figure 2]. *Vange* discloses a load balancing service that dispatches requests to an application server in a plurality of application servers, based on said quality of service context [0094 | *Vange*'s claim 1 : where the gateway load balances by "selecting amongst servers of redundant resources a particular server"]. It would have been obvious to one of ordinary skill in the art to have modified *Patel* to include *Vange*'s load balancing capability. One would have been motivated to add such a feature into *Patel* to insure that loads are balanced equally between the servers.

As to claims 17 and 26, they are merely directed to a system that performs the steps of the method of claim 8. Therefore claims 17 and 26 are rejected for at least the same reasons set forth for claim 8.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/  
Primary Examiner, Art Unit 2452